

PATENT  
#5/Declaration  
70/PA/NS  
9.23.00

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

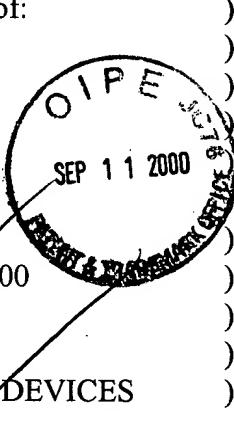
In Re U.S. Patent Application of:

Anthony D. Minervini and  
Honorio S. Luciano

Serial No.: 09/510,116

Filed: February 22, 2000

For: PTC CIRCUIT  
PROTECTION DEVICES



Examiner: Unassigned

Art Unit: 1751

Commissioner for Patents  
Office of Petitions  
Washington, D.C. 20231  
Dear Sir:

I, Nelson D. Nolte, state as follows:

1. I am an attorney registered to practice before the United States Patent and Trademark Office, Registration No. 42,936, and am licensed to practice in the State of Illinois. I am an associate in the law firm of Wallenstein & Wagner, Ltd., 311 South Wacker Drive, 53<sup>rd</sup> Floor, Chicago, Illinois 60606.

2. As counsel for Applicants, I have read the above-referenced Application, now the subject of the accompanying *Petition to Make Special Under 37 C.F.R. §1.102*.

3. I recently became aware of a PTC circuit protection device which is being imported and sold in the United States.

4. I recently made a rigid comparison of the PTC circuit protection device with the claims of the above-referenced Application. It is my opinion that *at least* claims 1-6 and 8-25 are actually and unquestionably infringed by the PTC circuit protection device.

RECEIVED  
SEP 21 2000  
TECHNOLOGY CENTER 2800  
TC 1700 MAIL ROOM  
SEP 19 2000  
RECEIVED

Attorney Docket No. 804R P 746  
Application Serial No. 09/510,116

Page 2

5. I caused a careful and thorough search of the prior art to be performed. Specifically, in May 1999, a search was conducted by the U.S. Patent and Trademark Office in the following classes and subclasses: 338/22R, 361/103 and 361/106.

6. This search of classes and subclasses 338/22R, 361/103 and 361/106 was supplemented with a search performed in August 2000. A copy of each of the references deemed most closely related to the subject matter encompassed by the claims is submitted has been previously submitted or is submitted herewith, including a form PTO 1449 listing each reference.

Declarant further states that all statements made herein of his own knowledge are true, and all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willfully false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and such willfully false statements may jeopardize the validity of the Application or document or any registration resulting therefrom.

Respectfully submitted,

Date: September 11, 2000

By:



Nelson D. Nolte, Registration No. 42,938  
WALLENSTEIN & WAGNER, LTD.  
311 South Wacker Drive, 53rd Floor  
Chicago, Illinois 60606-6622  
(312) 554-3300

---

**CERTIFICATE OF EXPRESS MAILING**

Express Mail Label No: **EL590258465US**  
Date of Deposit: **September 11, 2000**

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to:

Commissioner For Patents  
Office of Petitions  
Washington, D.C. 20231



Sharon K. Boswell (105438.1)